

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

V.

BRADLEY WAYNE SHAW

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CRIMINAL NO. 6:06-CR-46-15

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On December 7, 2011, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Bradley Wayne Shaw. The government was represented by Richard Moore, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Wayne Dickey.

Defendant originally pled guilty to the offense of Possession with Intent to Distribute Methamphetamine, a Class B felony. The offense carried a statutory maximum imprisonment term of 40 years. The United States Sentencing Guideline range, based on a total offense level of 25 and a criminal history category of III, was 70 to 87 months. Bradley Wayne Shaw received a downward for providing substantial assistance and on March 8, 2007, District Judge Leonard Davis sentenced Defendant to 40 months imprisonment followed by time served followed by 4 years of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure and drug aftercare. On February 13, 2009, Defendant completed the term of imprisonment and began his term of supervised release. On June 16, 2011, Judge Davis modified Defendant's conditions of supervised release to include mental health treatment.

In its petition, the government alleges that Defendant violated his conditions of supervised

release by being arrested for public intoxication on September 29, 2011, a Grade C violation.

If the Court finds by a preponderance of the evidence that Defendant committed a Grade C violation, a statutory sentence of no more than 2 years imprisonment may be imposed. 18 U.S.C. § 3583(e)(3) Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade C violation is 5 to 11 months. U.S.S.G. 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to the above-referenced violation of his conditions of supervision. The parties agreed on a sentence of 8 months with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Bradley Wayne Shaw be committed to the custody of the Bureau of Prisons for a term of imprisonment of 8 months with no supervised release to follow.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 9th day of December, 2011.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE